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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,903	10/21/2003	Adam J. Weissman	53051/288072	3982

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EXAMINER

ROSE, HELENE ROBERTA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/689,903	Applicant(s) WEISSMAN ET AL.	
	Examiner Helene Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28,30,31 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) 29 and 32-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28,30,31 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/8/06&9/11/06</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 4/11/2007 has been entered.

2. Claims 1, 3-4, 6-28, and 30-31 have been amended. Claims 29 and 32-35 have been cancelled. Claims 36-40 have been added. Therefore claims 1, 3-4, 6-28, 30-31, and 36-40 is presently pending examination.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 8/8/2006 & 9/11/2006 was filed after the mailing date of the application on 5/1/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections – 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1, 14 and 36 (and its dependencies where applicable) are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 14, and 36 (and their dependent claims, where applicable) doesn't not seem to be a practical application producing a useful, concrete, and tangible result.

Apart from the utility requirement of 35 U.S.C 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036.

Merely claiming nonfunctional descriptive material stored in a computer readable medium/or media does not make the invention eligible for patenting. Thus, the claim invention as a whole must produce a “useful, concrete and tangible result”.

Also, the claim methods do not meet the test of producing a useful, concrete, and tangible result, wherein the claim invention is subject to the test of *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Specifically, *State Street* sets forth that the claimed invention must produce a “useful, concrete and tangible result”.

Claim Rejections – 35 U.S.C. – 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3-4, 6-28, 30-31, and 36-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Chipalkatti et al (US Patent No. 6,484,161, Filing Date of Patent: March 31, 1999).

Claims 1 and 14:

Claims 1 and 14 disclose a method and an article comprising one or more computer readable media containing program code operable to cause one or more machines to perform operations, utilizing the same functionality, wherein Chipalkatti discloses a method and an article comprising one or more computer readable media containing program code operable to cause one or more machines to perform operations, comprising:

receiving a source article (column 17, lines 34-36, wherein this reads over “ the resulting HTML including the data in display format is delivered to the user’ s browser, Chipalkatti);

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identifying a plurality of regions in the source article (column 20, lines 60-62, wherein this reads over “ it is assumed that a search returns a plurality of objects corresponding to n categories and up to m listings for each of the categories and columns 21-22, lines 64-67 and lines 1-2, wherein the categories corresponding to the retrieved documents are displayed, the PHTM execution trees may cause the parse driver to obtain information from the generic object dictionary that identifies each category, Chipalkatti);

determining at least one local concept expressed in each region (column 34, lines 31-34, wherein this reads over “ the information retrieval software may determine categories into which the retrieved documents fall, Chipalkatti);

analyzing the local concepts of each region to identify one or more unrelated concepts (column 34, lines 43-50, wherein this reads over “ the information retrieval software may compare the categories identified to the terms in the user query wherein if categories are present that do not include any of the terms in the user query, then such categories may be disregarded, thus the user will not retrieve categories that are unrelated to the user query, such categories might otherwise appear for example, if the information retrieval software retrieves a business listing that is associated with two unrelated categories only one of which is relevant to the user query, Chipalkatti);

eliminating the unrelated concepts (column 34, lines 55-57, wherein the bowling category would be discarded because the user query for a restaurant is unrelated to the bowling category, Chipalkatti);

from a determination of source meaning for the source article (column 34, lines 57-67 respectively, Chipalkatti); and

matching the source article with an item selected from a set of items based at least in part on a relationship between the source meaning and a meaning of the item (column 37, lines 2-16, respectively, Chipalkatti).

Claims 2 and 15:

Regarding claims 2 and 15, Chipalkatti teaches wherein the operations further comprise displaying the matched item on the source article (Figure 44, all, features, wherein its further defined in column 37, lines 2-8 to be “ if the user enters the category “ art supplies” , the information retrieval software may retrieve a set of matching categories that relate to art supplies, wherein the retrieved categories may be order alphabetically by, order of significance, or grouped by sub categories” , Chipalkatti).

Claims 3 and 16:

Regarding claims 3 and 16, Chipalkatti teaches wherein the source article comprises a web page (column 8, lines 27-37, respectively, Chipalkatti); and

the matched item comprises a keyword (Figure 11, all features and column 31, lines 22-26, wherein the following information is extracted from the original query string as formed by the parser: category, category id, keywords, and etc, Chipalkatti).

Claims 4 and 17:

Regarding claims 4 and 17, Chipalkatti teaches wherein the source article comprises a web page (column 8, lines 27-37, respectively, Chipalkatti); and

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the matched item comprises an advertisement (Figure 15, all features, wherein its further defined in column 10, lines 32-37, to be the business listings relating to the user specified search criteria selection relating to “ custom made shoes” , wherein the user select one of the businesses for more information pertaining to the business such as directions and business provided advertisements, Chipalkatti).

Claims 5 and 18:

Regarding claims 5 and 18, Chipalkatti teaches wherein the operations further comprise displaying content associated with the matched item on the source article (column 10, lines 53-57, wherein if this is the correct business a user may select a displayed business for example, by clicking on the matching business, information and in response to selecting the matching business the screen display may be displayed to a user, Chipalkatti).

Claims 6 and 19:

Regarding claims 6 and 19, Chipalkatti teaches wherein the source article comprises a web page (column 8, lines 27-37, respectively, Chipalkatti);

the matched item comprises a keyword (column 33, lines 12-17, respectively, Chipalkatti); and

the associated content comprises an advertisement (Figure 39, all features, wherein its further defined in columns 32-33, lines 45-67 and lines 12-17, Chipalkatti).

Claims 7 and 20:

Regarding claims 7 and 20, Chipalkatti teaches wherein the source article comprises a first web page (column 8, lines 27-37, respectively, Chipalkatti);

the matched item comprises a second web page; and the associated content comprises an advertisement (column 37, lines 3-16, Chipalkatti).

Claims 8 and 21:

Regarding claims 8 and 21, Chipalkatti teaches wherein the source article comprises a first web page (Figure 14, all features, wherein the first web page is defined, Chipalkatti);

the matched item comprises a second web page; and the associated content comprises a link to the second web page (Figures 14 and 15, all features, wherein shoes – custom made, i.e. diagram 1862 is selected in first page and wherein Figure 15, equivalent to second web page, wherein listing are illustrated, wherein these two figures are further defined in column 10, lines 19-37, Chipalkatti).

Claims 9 and 22:

Regarding claims 9 and 22, Chipalkatti teaches wherein matching the source article with the item comprises matching the source article with the item using a biasing factor (columns 26-27, lines 65-67 and lines 1-17, respectively, Chipalkatti).

Claims 10 and 23:

Regarding claims 10 and 23, Chipalkatti teaches the source meaning comprises a vector of weighted concepts (column 25, lines 1-7, wherein the weight is define within table and column 34, lines 19-28, wherein a variety of weighting algorithms can be used to rank documents identified according to the information stored in the term list, and so forth, Chipalkatti).

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Claims 11 and 25:

Regarding claims 11 and 25, Chipalkatti teaches wherein:

determining at least one local concept comprises determining a score for each local concept (column 30, lines 1-6, wherein the following types of fields of information are stored according to relevance information and advertiser priority, in which the relevance information is verity specific information as it relates to the query, wherein this generally represents the frequency of words or terms in the document, Chipalkatti); and

the local concept with the highest score in each region comprises a most relevant local concepts concept for that region (column 30, lines 8-16, respectively, Chipalkatti).

Claims 12 and 26:

Regarding claims 12 and 26, Chipalkatti teaches wherein identifying unrelated regions comprises:

determining a revised score for each local concept (columns 40-41, lines 64-67 and lines 1-17, Chipalkatti);

determining a ranked global list of all local concepts based on the revised scores (column 26, lines 50-52, respectively, Chipalkatti);

removing local concepts whose combined revised score contributes less than a predetermined amount of a total score of the global list to produce a resulting list (Figure 4, diagram 834, wherein its further defined in column 7, lines 1-11, Chipalkatti);

identifying unrelated regions without a most relevant local concept on the resulting list (REFER to claim 1, wherein this limitation has already been addressed, Chipalkatti); and

removing local concepts expressed in the unrelated regions from the resulting list to produce a list of relevant concepts (REFER to claim 1, wherein this limitation has already been addressed, Chipalkatti).

Claims 13 and 27:

Regarding claims 13 and 27, Chipalkatti teaches wherein determining the source meaning comprises normalizing the revised scores for the relevant concepts (Figure 25, diagram 900, wherein normalized data is illustrated and further defined in column 13, lines 57-60 and columns 40-41, lines 64-67 and lines 1-17, Chipalkatti).

Claim 24:

Regarding claim 24, Chipalkatti teaches wherein eliminating the unrelated concepts comprises ranking the related local concepts (column 26, lines 50-52 and column 49, lines 50-52, wherein program code is defined to be JAVA, Chipalkatti).

Claim 28:

Regarding Claim 28, Chipalkatti teaches a method comprising:
accessing a source article (column 5, lines 58-61, Chipalkatti);
identifying a first content region and a second content region in the source article;
(column 5, lines 58-67, Chipalkatti);

determining a first local concept expressed in the first content region and
determining a second local concept expressed in the second content region (column 40,
lines 56-63);

matching the first content region with a first advertisement from a set of
advertisements based at least in part on the first local concept (column 34, lines 43-57,
Chipalkatti);

matching the second content region with a second advertisement from the set of
advertisements based at least in part on the second local concept (column 37, lines 2-
19, Chipalkatti); and

displaying the matched advertisement on the source article (Figure 44, all
features, Chipalkatti).

Claim 30:

Regarding claim 30, Chipalkatti teaches wherein displaying the matched
advertisements comprises:

displaying the first advertisement in the first content region (column 24, lines
31-34, wherein the first request results in a query of all the restaurants within thirty
miles of Boston, and this query data is placed in the data query cache, Chipalkatti); and

displaying the second advertisement in the second content region (column 24,
lines 34-42, wherein the first request results in a query and the second request results
in a query, wherein the second request is performed quickly by using the data query
cache information and searching for a subset of the cached data indicated the
restaurants, Chipalkatti).

Claim 31:

Regarding claim 31, Chipalkatti teaches wherein the source article comprises a web page (Figure 15, all features, wherein its further defined in column 10, lines 32-37, Chipalkatti).

Claim 36:

Regarding Claim 36, Chipalkatti teaches a method comprising:

receiving a document (Refer to claim 1, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds, Chipalkatti);

identifying a collection of different regions in the document (Figure 36, all features, wherein this diagram is further defined in column 29, lines 39-67 and column 30, lines 1-2, wherein each data set, diagram 250 includes header information and the information corresponds to one or more businesses listings and each business listing, diagram 254 includes information that describes the business listing, Chipalkatti);

determining concepts expressed in each of the different regions in the collection (Refer to claim 1, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds, Chipalkatti);

identifying a first concept expressed in a first region, where the first concept is unrelated to concepts expressed in other regions in the collection (Refer to claim 1, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds, Chipalkatti);

excluding the first concept from a determination of a source meaning of the document (Refer to claim 1, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds, Chipalkatti);

determining the source meaning for the document (Refer to claim 1, wherein this limitation is substantially the same/or similar, and therefore rejected under the same grounds, Chipalkatti); and

making the source meaning available to a user (column 16, lines 17-18, wherein an HTML page is generally formed and displayed to the user, Chipalkatti).

Claim 37:

Regarding Claim 37, Chipalkatti teaches wherein identifying the collection of different regions in the document comprises identifying frames in a web page document (Figure 13, wherein more tools are defined, which includes shop online, consumer guide, web site search, and etc, wherein this is interpreted to be the frames in a web page document, Chipalkatti).

Claim 38:

Regarding Claim 38, Chipalkatti teaches wherein identifying the collection of different regions in the document comprises identifying the different regions based on markup in the document (Figure 22, all features, wherein this illustrates different regions based on a business information document, Chipalkatti).

Claim 39:

Regarding Claim 39, Chipalkatti teaches wherein determining the concepts comprises identifying collections of related words in each of the different regions in the

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collection (column 33, lines 55-57, wherein expanded to include synonyms and terms that are determined to be related to the words in the business listings, wherein the business listings are categorized in different regions according to Figure 36, diagrams 254, 256, and 258, Chipalkatti).

Claim 40:

Regarding Claim 40, Chipalkatti teaches wherein based on the concepts expressed in each of the different regions in the collection, selecting one or more advertisements (column 16, lines 18-21, wherein the HTML page may be formed by the parser after interaction with the data manager and query engine to select a specific number of items to be displayed to the user, Chipalkatti); and

making the document and the selected advertisements available for output to a user (column 16, lines 17-18, wherein an HTML page is generally formed and displayed to the user, Chipalkatti).

Response to Applicant Arguments

Applicant argues ~ on pages 10-11, the advisory action mailed on Feb. 20, 2007 also contended that the response filed on Feb. 17, 2006, 2006 simply hashed previously presented arguments, Applicant respectfully disagrees.

For example, the response filed on Feb. 17, 2006 pointed out logical inconsistencies in the rejections set forth in the Office Action mailed Dec. 7, 2006. As another example, the response filed Feb. 17, 2006 pointed out that no basis for the rejection of claim 28 under has ever been set forth and that the rejection was facially deficient under 35 U.S.C § 132 and 37 C.F.R. § 1.104(2).

Examiner States: Examiner believes applicant is referring to Feb. 7, 2007, when a response after a final rejection was filed vs. Feb. 17, 2007 as indicated. Thus, as indicated within the remarks filed on Feb. 7, 2006, applicant amended claims 28, 30-31, and 33 and cancelled claims 29, 32, and 35. Examiner indicated on the advisor action that was mailed out on Feb. 20, 2007, that the proposed amendments filed after the final rejection, but prior to the date of filing a brief, will not be entered because they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal ~ SEE AMENDMENTS – No. 3 within the Advisory Action.

Prior Art of Record

(The prior art made of record and not relied upon is considered pertinent to applicant's disclosure)

1. Chipalkatti et al (US Patent No. 6484,161) discloses a system for performing online data queries.
2. Wesinger, Jr. et al. (US Patent No. 6,324,538) discloses computer network and a database are used to provide a hardware-independent, dynamic information system in which the information content is entirely user-controlled.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

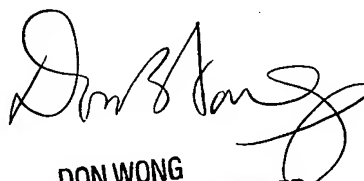
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HRR

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June 16, 2007



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